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ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/14/08

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July 14, 2008

Via Fax—(212) 805-6326

Honorable Colleen McMahon, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Edwin Perez and Javier Yangua, et al. v. Time Moving & Storage Inc., et al.
Case No. 08-CV-02775 (CM) (KNF)

Dear Judge McMahon:

We represent plaintiffs in the above-captioned matter and write for guidance as to the parties' discovery obligations at this time.

As Your Honor will recall, pursuant to the Court's March 20, 2008, Order Scheduling an Initial Pretrial Conference, the parties conferred and completed a proposed Civil Case Management Plan. On May 9, 2008, when the parties appeared before Your Honor for the conference, however, the Plan was not submitted to the Court for approval because Your Honor instead directed defendants, in light of their view of the case, to file a motion for judgment on the pleadings. (In fact, defendants have filed their motion, plaintiffs have filed their opposition papers, and defendants' reply, if any, is due to be filed this Friday, July 18, 2008.)

The question now is whether – given that no formal discovery scheduling order is in place – the parties should be engaging in an exchange of discovery requests, conducting depositions, and the like, or whether discovery is stayed until the Court decides defendants' motion. Obviously, plaintiffs are eager to press forward with their case and wish to ensure that they are in full compliance with discovery obligations and timetables, if any. As stated

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I asked for a
motion because it appeared
that discovery might
not be necessary –
which I
will determine
when the
motion
is
fully
submitted
or

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previously, a proposed management plan has been drafted and is available for the Court should the Court wish to review the same.

We thank the Court for its attention to this matter and are available at the Court's convenience should the Court have additional questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Stein". The signature is fluid and cursive, with the first name "David" and last name "Stein" clearly distinguishable.

David Stein

cc: Arthur J. Robb, Esquire (via fax)